

JASON M. FRIERSON
United States Attorney
District of Nevada
Nevada Bar No. 7709

VIRGINIA T. TOMOVA
Assistant United States Attorney
Nevada Bar Number 12504
501 Las Vegas Blvd. So., Suite 1100
Las Vegas, Nevada 89101
(702) 388-6336
Virginia.Tomova@usdoj.gov
Attorneys for the United States

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DANIEL LUCERO,

Plaintiff,

v.

ISABEL GUZMAN, ADMINISTRATOR
and SMALL BUSINESS
ADMINISTRATION,

Defendants.

Case No. 2:21-cv-00915-RFB-MDC

**Stipulation and Order to
Extend Certain Discovery Deadlines
(Ninth Request)**

Pursuant to LR IA 6-1 and LR 26-3, the parties request an extension of the March 14, 2024, deadline to file dispositive motions to June 14, 2024, and all related briefing and JPTO deadlines thereafter, as follows. The parties submitted their eighth request for extension which was denied without prejudice. ECF No. 71. The Court is also allowing the parties to resubmit a stipulation with showing a good cause as to why the prior stipulation was filed less than 21 days before the subject dispositive motion deadline as required by LR 26-3. ECF No. 71. Such explanation is provided below. This is the ninth request for an extension.

DISCOVERY COMPLETED

The parties have completed the following disclosures and discovery:

The parties served their respective initial disclosures, and Plaintiff supplemented their disclosures.

Defendant served initial discovery requests, and Plaintiff responded to them.

On June 16, 2023, Defendant took Plaintiff's deposition.

On June 22, 2023, Plaintiff took the deposition of former SBA employee Denise Biaggi-Ayer.

DISCOVERY REMAINING

Discovery was completed on July 19, 2023.

WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED

This request concerns only the dispositive motions and related briefing deadlines, and the Joint Pretrial Order deadline. Undersigned defense counsel has had medical appointments out of state, which necessitated taking time off from work. Additionally, both counsels have heavy workloads including the undersigned AUSA's settlement conference brief due on March 14, 2024, for a settlement conference in *Pina v. United States of America*, Case No. 2:22-cv-01946-ART-MDC, scheduled on March 21, 2024, Plaintiff's deposition and expert disclosures in another matter the week of March 18, 2024, briefs in other cases including answers to complaints. Plaintiff's counsel agrees to this extension and advises that his March calendar is extremely busy.

In addition to the above, the undersigned AUSA had four fatal family emergencies within 21 days of the deadline to file dispositive motions. These emergencies caused the undersigned AUSA to take leave. For these reasons, the parties agreed to the revised schedule below to have the necessary time to prepare dispositive motions, oppositions and replies.

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

EXTENSION OF THE DISCOVERY PLAN AND SCHEDULING ORDER

The extension of the remaining deadlines in the case would result in the following revised discovery schedule:

SCHEDULED EVENT	CURRENT DEADLINE	PROPOSED DEADLINE
Dispositive Motions	03/14/2024	06/14/2024
Oppositions to Dispositive Motions	04/15/2024	07/15/2024
Replies re Dispositive Motions	05/06/2024	08/06/2024
Proposed Joint Pretrial Order	05/06/2024	08/06/2024 ¹

This request for an extension of time is not sought for any improper purpose including delay.

Respectfully submitted this 18th day of March 2024.

BLACK & WADHAMS

JASON M. FRIERSON
United States Attorney

/s/ Rusty Graf

RUSTY GRAF, Esq.
Nevada Bar No. 6322
10777 West Twain Avenue, 3rd Floor
Las Vegas, Nevada 89135
Attorney for Plaintiff

/s/ Virginia T. Tomova

VIRGINIA T. TOMOVA
Assistant United States Attorney

IT IS SO ORDERED:

UNITED STATES MAGISTRATE JUDGE

DATED: 3-21-24

¹ If dispositive motions were filed, the deadline for the Proposed Joint Pretrial Order would be deferred until 30 days after the Court rules on the dispositive motions.